

REMARKS

Claims 1-4 and 7-33 are pending. Claims 7-33 are allowed. By this Amendment, Claim 1 is amended to reflect that which is taught in the originally filed application, such as for example, Figures 2-3. Applicant respectfully submits no new material is presented herein.

Claims 7-33 Allowed

Applicant respectfully acknowledges and appreciates the indication by the Examiner that Claims 7-33 are allowed.

Entry of Response Proper

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Claims 1-4 Recite Patentable Subject Matter

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication Number 2001/0047834 to Menin et al. (hereinafter "Menin"). Applicant respectfully traverses the rejection.

Claim 1 recites a changeover valve for use in delivering a gas to a gas mask including, among other features, a flap valve actuatable between a first position and a second position about an axis of rotation, wherein the axis of rotation is located at a first end of the flap valve, which is opposite a second end of the flap valve.

Applicant respectfully submits, as shown in Figures 2-3, that having the axis of rotation located at a first end of the flap valve opposite the second end of the flap valve provides a more efficient structural arrangement for actuating the flap valve. Further, the structural design of the present invention makes it easier and less costly to manufacture the parts such that the body of the valve can easily be joined together after installing the flap valve between the inlet tubes.

Applicant respectfully submits Menin fails to disclose or suggest such a feature.

In particular, Applicant respectfully points out that the Menin specifically teaches the rotation axle 6 is located intermediate, i.e., between, the first and second ends of the gate valve body 4. See Figures 1, 3-4 and 6 of Menin. In other words, the axle of rotation 6 is not located at either end of the gate valve body 4.

Applicant respectfully submits that arranging the components of the gate valve such that the axle of rotation 6 is intermediate the ends of the valve body 4 does not provide an efficient structural arrangement for actuating the valve body 4. Further, Applicant respectfully notes that in paragraph [0036], Menin discusses an easy to assemble cassette having the gate valve and axle of rotation in a single housing, which is then installed in the valve body. Applicant respectfully submits the Menin components are relatively more complicated and expensive to manufacture given the numerous components contained in the housing as well as the additional steps

inherently required in manufacturing the housing and then installing the housing in the valve body. In contrast, the present invention simply requires the flap valve being placed between the first and second inlet tubes, wherein the flap valve will be retained upon joining the inlet tubes together.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Menin fails to disclose or suggest each and every feature recited by Claim 1. Therefore, Applicant respectfully submits Claim 1 is not anticipated by or rendered obvious by the applied teachings of Menin and should be deemed allowable.

Claims 2-4 depends from Claim 1. It is respectfully submitted that these dependent claims should be deemed allowable for the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Applicant respectfully requests withdrawal of the rejection.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejection, allowance of Claims 1-4 and 7-33, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 024911-00004.**

Respectfully submitted,
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